THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10107 of 2007

Dated:03.07.2007

Between:

Smt.Srikakarlapudi Radha.

…Petitioner

and

The Tahsildar and another.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10107 of 2007

ORDER:

The petitioner's husband was allegedly in possession of agricultural land admeasuring Acs.2.00 in Survey No.56 situated at Satyavaram Village of Payakaraopet Mandal of Visakhapatnam District. Later, he is alleged to have been granted patta by the Mandal Revenue Officer vide proceedings bearing DR.No.587/1408/99, dated 30.06.1999. The petitioner's husband expired in 2004, and the petitioner is allegedly in possession of the property and cultivating the same. On 05.05.2007 it is alleged that the first respondent took measurements of the land with a view to take the land back. The petitioner alleges that without issuing notice to her and without conducting enquiry, the respondents are trying to dispossess her. Therefore, the present writ petition is filed seeking, *inter alia*, a direction to the first respondent not to dispossess the petitioner.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (Assignment) obtained instructions. He submits that the petitioner's husband was never assigned any land, that the copy of the assignment order bearing DR.No.587/1408/99, dated 30.06.1999, is a forged and fabricated document, and that the petitioner is not in possession of the subject property.

Whether the petitioner is claiming the property based on a forged document or not is a matter for enquiry. Therefore, the first respondent, namely, the Tahasildar, Payakaraopet Mandal, should conduct enquiry into the question whether the patta bearing DR.No.587/1408/99, dated 30.06.1999, allegedly issued in favour of Kakarlapudi Venkata

Ramabadra Raju, S/o.Neeladri Raju (husband of the petitioner) of Satyavaram Village, is genuine patta or forged patta. If in the enquiry it is revealed that the patta produced before this Court is forged document, the Tahasildar should initiate criminal action against the petitioner. Further, if the petitioner is still in possession, as alleged, she cannot be evicted without following due process of law.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

03.07.2007
vs